7: Furnivall G-4, 5 (no date) 1948 AL1 Southeast Asia AL1

more or less directly with local manufactures, and create unemployment among artisans and craftsmen. Some of these find employment in agriculture, and the enlarged supply of labour tends to reduce agricultural wages and to lower the cost of trade crops to the exporter, but to the prejudice of the agricultural labourer. For various reasons many will be unable to turn to agriculture and will be left without employment. Where, as in Lower Burma, agriculture develops along industrial lines, there grows up a mass of part-time labour, unable to find employment for about half of the year and with no other source of livelihood but crime. Thus the free action of economic forces tends to create unemployment and under-employment.

One feature of the encouragement of native enterprise in cultivation for export is the introduction of the rule of law. The rule of law is a foundation stone of western freedom, and should provide a far more secure basis for society than the rule of personal authority. But this is true only where the law is an expression of social will; in a tropical dependency it expresses the will of the colonial power, and is an instrument of economic development. The rule of law becomes in effect the rule of economic law. The ideas embodied in the western law of property and contract are foreign to the tropics. Even attempts to apply local law, or to embody local custom in legal codes, must fail if made in western courts according to western procedure by lawyers who, as was said formerly in Java, 'look on native law as a doctor looks on native medicine'.[1] Unwritten custom changes its character when formalized in law and legal decisions, and we have noticed how 'Buddhist law' has been applied in Burma. In India, Elphinstone remarked that Hindu law was 'as a whole beyond the knowledge of perhaps the most learned pundit, and every part beyond the knowledge of the people who live under it.... The uncertainty of decisions obtained from such sources must be obvious, especially when required for the guidance of a foreign judge both to the written law and to the usage which supplies its place.'[2] Indigenous law or custom administered in a foreign court is no less foreign than law proceeding directly from a foreign ruler. In either case one result is the encouragement of disputes and litigation, because people can appeal against the custom that all know to the law which no one knows. Law encroaches on custom, and the decay of custom encourages the resort to litigation. Moreover, as is notorious, for reasons already

[1] *Netherlands India*, p. 218. [2] Cotton, p. 182.

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[438] One reason for this is economic advantage. The growing of rubber, in particular, has given to the Malay peasant of the west coast an income considerably higher, on the whole, than that of the east coast peasant.

The effects of Westernization are profound. But they do not lie in crude physical displacement of the peasant or degradation of his living conditions. They lie in the widening of the gap between his expanding range of wants and his level of productivity, and in his inability to measure and in any way control the economic forces operating in his field. Westernization has meant for the peasant an enlargement of the social horizon—more knowledge, through better communications and education, of other places, of other peoples of kindred and dissimilar interests. It has created new ambitions: for different clothing, for new uses of leisure, for a better status for his children, for a position of power in the political scene. All this has disturbed the traditional patterns of peasant society. These patterns, and the class structure of South East Asian society of which they were a part, were probably never too satisfactory to the peasant. Anxiety and evasion must have often been the response to either too rigid or too elastic a rule—and the peasant seems often to have suffered from the exactions of his superior in the social scale. But the scope of the system was known, if not its precise implications. Nowadays the scope of the system has for the most part passed beyond the peasant's grasp, and much of it has become de-personalized.

To illustrate this by giving a more concrete analysis of some of the values in the peasant's life, let me take the area of Malaya and Indonesia where Islam is the major religion of the people.

In his daily life the Indonesian or Malay peasant is governed largely by the canons of behaviour, the ties of friendship and neighbourliness, the relations of work and social intercourse of his village community. So much is this so that in Java the *desa*, the village, was crystallized by the Dutch into an administrative and developmental unit, and its communal structure strengthened for welfare purposes. But as important as the village, and indeed often basic to its structure, are the family and larger kin organizations. From these a person gets his social status and much of his land and other property, and they have the primary role in his marriage and other crucial events in his progress through life.

Such domestic and local relationships also provide a framework for the peasant in his attempts to come to terms with the forces of nature and human destiny. His world of spirits is a local world. In Indonesia the ancestors do not play the predominant role which they do, for instance, in Annam. But the village, the seashore, the surrounding jungle, wells, trees, and stones are the home of many kinds of spirits, which afflict man with sickness or misfortune, or stand by him as his familiars to guard him. Basic in the religion of the Indonesian peasant is this local, essentially parochial, spirit element. All these values guide his economic and social conduct, and mean a great deal to him.

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But the situation is complex, even in village life. The system of rules governing domestic and local relations—marriage, adoption, inheritance, rights over land, succession to local office, rules of etiquette, and behaviour to superiors—is generally known as the *adat*, the custom. The nature of this custom, and what should be its relation to a more fully developed legal system, have been elaborately studied by the Dutch in Indonesia. At times indeed they have seemed to give the *adat* almost a mystical connotation. Alongside this body of custom, which of course varies from one peasant area to another, is the *shari'a*, the religious rule of Islam. On the one hand this is a unifying force, extra-village and extra-national in character, linking even the remotest mountain farmer spiritually or emotionally with the farmer or townsman of other Muslim communities in South East Asia, and far beyond. On the other hand, the Muslim religious law blends into the field of the *adat*, laying down rules about marriage, inheritance, and other family matters. Then there are the Western rules of law and administrative procedure, laying down just how land is to be acquired, held, and transferred, giving regulations for village management, and imposing penalties for certain kinds of breach of good relations. Yet the Western system offers also inducement to use the law, to protect one's interests firmly, to take advantage of situations where the *adat* has left rights undefined. So three factors—the custom, the Muslim religious rule, and the Western system of law—interact even in the heart of peasant society.

The result is a complex set of forces in dynamic operation, with the peasant being pressed by one or other of them or championing one or other as circumstances arise. In Negri Sembilan, for instance, there has come to be what is almost now a classic case of this interaction. In former times the valuable lands were for the most part those on which 'wet rice' could be cultivated. By the matrilineal system ancestrally operative in that area, these lands were handed down in the female line, from mother to daughter, or from aunt to niece. They were also cultivated largely by women. As rubber came to be developed, however, other lands on the hill-sides, previously of much less value, came to have worth too. For the most part these had to be cleared before being planted in rubber, and this clearing was a task that only men could do properly. Hence men came to have a more direct interest in this land. When questions of inheritance began to arise, divergent views became manifest. Some argued for treating new lands like the old, and handing them down in the female line like the rice lands. Yet there was a strong case for not including these rubber lands in the category of ancestral land, but for letting them be transmitted from a father to his children and through the male line in general. This principle of male inheritance is in line with the emphasis of the Muslim law. This not only gives guidance of the patrilineal kind for distribution of the property of the deceased in cases of dispute, but in all its provisions tends to stress the status of the male against that of the female.

Within the peasant society itself the potential clash of the two systems,

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181 local custom and religious rule, had been present for centuries. But there
177 was little in the economic situation to sharpen it, and the Muslim leaders
themselves were often so steeped in the local ways that they all[illegible]ed as the
565 religious law what was, in fact, the local custom. With the growth of
602 Western processes, the perception of new economic advantages tended to
776 change the equilibrium of the two principles. The advance of education
779 and heightened consciousness of Islam as a world faith also tended to make
the religious leaders themselves much more keenly aware of any divergence.
671 Wealthy men who want to leave property to their sons, men with a strong
182 religious sense, men who regard themselves as progressive, or who are in revolt against their clan leaders, therefore tend to be protagonists of the Muslim law. The conservatives, those who see in the custom a defence for women, those who see in it a symbol of an essentially Malay way of life, argue for the retention of the custom. Contact with the West, they say, is changing the structure of the peasant society enough already. The issue has also entered the modern political scene, since the search for factors to increase Malay integration tends to stress the national and extra-national character of Islam at the expense of the more local qualities of the *adat*. Here too it is growing Westernization which has sharpened the issue.

184 In a general discussion such as this, one may be allowed to refer to the
565 peasantry of South East Asia as a body. But they are not uniform in ethnic composition, in national interests, in language, in religion, or in general culture. Moreover, within any local community, there are competing, even conflicting, interests and opinions. The peasant may be unable to face up to the general issues which affect his life so deeply, but in so far as he understands his own interests he is very alive to them and capable of exercising keen judgement in them. It is the small scale of his organization for the most part which renders him so vulnerable.

000 What is likely to be the future of South East Asia from the peasant angle? Prediction is not worth much, since so many elements in the situation are imperfectly known, but there are a few which seem to be significant.

565 The peasant has no native middle class, of the same society as himself,
185 to give a lead to his development and stability in any wider economic
656 organizations that may be set up for his benefit. To improve his economic lot, and in particular to give him a larger fraction of his product through control of marketing, co-operative societies have often been proposed and sometimes tried. Their success has been only limited, partly because the peasant has not been fully persuaded of their attractions as against what the alien middleman can offer, and partly because of the difficulty of securing adequate technical supervision and administration at a sufficiently low official level. Much is now apt to be made of the colonial or semi-colonial status of the South East Asian peasant as a drag upon his development. There is no doubt that colonialism, as a specific form of political control of under-developed territories by a metropolitan Power, is